

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
VICTORIA DIVISION

In re:	§	
	§	Chapter 7 (Converted)
SCOTT VINCENT VAN DYKE,	§	
	§	Case No. 21-60052
DEBTOR.	§	Hon. Christopher M. Lopez
	§	

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**BUILDERS WEST, INC'S EMERGENCY MOTION TO CONTINUE**  
**DECEMBER 7, 2022, HEARING**

**TO THE HONORABLE CHRISTOPHER M. LOPEZ,**  
**U.S. BANKRUPTCY JUDGE:**

Builders West, Inc. ("Builders West"), by and through its undersigned counsel, hereby files this *Motion to Continue December 7, 2022, Hearing* (the "Motion"). In support hereof, Builders West respectfully submits the following:

1. Builders West filed its *Motion to Dismiss* on March 18, 2022.<sup>1</sup> The Trustee filed an opposition on April 6, 2022,<sup>2</sup> and Builders West filed a reply on June 28, 2022.<sup>3</sup> The Debtor did not respond to the *Motion to Dismiss*.

2. On October 31, 2022, the Debtor filed his *Motion for Entry of Discharge Order*.<sup>4</sup> On November 17, 2022, Builders West filed an opposition.<sup>5</sup>

3. On November 29, 2022, the Debtor requested the Court set the *Motion to Dismiss* and *Motion for Entry of Discharge Order* for hearing within a week by e-mail. The e-mail included Rachel Kubanda and Mack Wilson, who have both appeared for Builders West. It did not include Lloyd Lim or Dale Mellencamp, who has also appeared for Builders West.

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<sup>1</sup> Doc. No. 145.

<sup>2</sup> Doc. No. 152.

<sup>3</sup> Doc. No. 189.

<sup>4</sup> Doc. No. 247.

<sup>5</sup> Doc. No. 251.

4. Ms. Kubanda is currently on maternity leave. Mr. Wilson did not realize that Mr. Lim and Mr. Mellencamp were not included on the e-mail chain.

5. The Court proposed a hearing date for the two motions for December 7, 2022, at 10:00 a.m.

6. On the morning of November 30, 2022, Mr. Wilson had a phone call with Mr. Lim where they discussed the proposed date. They agreed that a hearing the week of December 5, 2022, would be acceptable. Mr. Wilson believed that Mr. Lim was saying the date proposed by the Court was acceptable, as he was unaware Mr. Lim was not on the original e-mail.

7. Mr. Lim was not aware of the Court's proposed hearing date until he read an email forwarded to him by William Greendyke, counsel for the chapter 7 trustee of one of the Debtor's companies – Anglo-Dutch Petroleum International, Inc.

8. Based on this miscommunication, Mr. Wilson conveyed to the Court that the date was acceptable to Builders West.

9. That specific date and time, however, is not workable for either Mr. Lim or Mr. Mellencamp's schedules.

10. Based on the communications with the Court, Builders West understands it does not have any other availability for the remainder of the week of December 5, 2022.

11. Accordingly, Builders West requests the Court re-set the hearing on the *Motion to Dismiss* and the *Motion for Entry of a Discharge Order* to the week of December 12, 2022.

12. Builders West understands the Debtor is opposed to the Motion.

13. Builders West seeks emergency consideration of this Motion as the hearing it seeks to continue is currently set for a date that is less than 21 days from today.

Dated: November 30, 2022

Respectfully submitted:

By: /s/ Lloyd A. Lim  
Lloyd A. Lim  
State Bar No. 24056871  
Lloyd.Lim@keanmiller.com  
Broocks 'Mack' Wilson  
State Bar No. 24102655  
Mack.Wilson@keanmiller.com  
KEAN MILLER LLP  
711 Louisiana Street,  
South Tower, Suite 1800  
Houston, Texas 77002  
Telephone: (713) 844-3000  
Telecopier: (713) 844-3030

- and -

Dale R. Mellencamp  
State Bar No. 13920250  
Federal Bar No. 7718  
14711 Pebble Bend Drive  
Houston, Texas 77068  
Email: mellencamp@bairhilty.com  
Telephone: (713)862-5599  
Facsimile: (713)868-9444

ATTORNEYS FOR BUILDERS WEST, INC.

**CERTIFICATE OF COUNSEL**

The undersigned hereby certifies that all the facts contained herein are accurate.

/s/ Lloyd A. Lim  
Lloyd A. Lim

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that, on November 30, 2022, a copy of the foregoing instrument was served on the parties entitled to receive notices through the Court's electronic notification system.

/s/ Lloyd A. Lim  
Lloyd A. Lim